

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 22nd day of September, 2008 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the Municipal Court and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Vickie Abrego, Council Member
Frank Hametner, Council Member
Karen Mayer, Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Mike Sullinger, Interim City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Darrell Jones, Police Chief
Frank Truitt, City Inspector
Don Brummett Acting Public Works Director

OTHERS PRESENT: Lu & Ralph Arcemont, Jeanie Brummett, Rosemary Vega/Chamber of Commerce, Virginia Bufkin, Liz Brally, Rebecca Brasmon, Bob & Connie Harlan, Kenny Thompson, Jim Covington, William D. Goren, Margaret Garrett, Robert Cuevas/Linebarger Tax Attorneys, Phil & Nell Reynolds, Ann P. Melton, Tensia Keser, Joan Snodgrass, Marilyn Rymer/Herald Newspaper

There may have been others present who did not sign in.

ITEM 1. CALL MEETING TO ORDER.

Mayor Knight called the meeting to order at 7:00 p.m. on September 22, 2008.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

ITEM 3. CONSENT AGENDA: *“All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.”*

- A. Approval of Minutes of September 2, and September 8, 2008.
- B. Consider and Act on Approving Ordinance No. 2008-3946 – An Ordinance of the City of Aransas Pass, Texas, Granting a renewal of a Conditional Use Permit for used car sales at 161 N. Commercial, City of Aransas Pass, Texas, Subject to conditions set forth.

Council Member Mayer made the motion to approve the Consent Agenda. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 4. CONSIDER AND ACT ON RESOLUTION 2008-604 – A RESOLUTION OF THE CITY OF ARANSAS PASS, TEXAS, AUTHORIZING THE PUBLICATION OF DELINQUENT TAXPAYERS’ NAMES.

Mayor Knight asked Mr. Robert Cuevas with Linebarger Goggan Blair & Simpson (tax attorneys) did the School Districts approve the publication of delinquent tax payers names?

Mr. Cuevas stated the Aransas Pass School District had approved the publication of

delinquent tax payers' names two weeks ago. Mr. Cuevas stated the increase in collections was two-fold for the City of Rockport who published delinquent taxpayers' names.

Council Member Abrego asked would any letters be sent to the delinquent taxpayers before publications of their names?

Mr. Cuevas stated they did not have a mailing schedule for October and would publish names on October 1 and October 8 without sending letters to the delinquent tax payers. He stated the tax attorneys would check for payment, bankruptcy and payment agreements before publishing the names. He stated the firm would check for payments, bankruptcies, deferrals and payment arrangements (made with the counties).

Council Member Hametner made the motion to approve Resolution 2008-604 authorizing the publication of delinquent taxpayers' names. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 5. PUBLIC HEARING ON PROPOSED FY 2008-2009 BUDGET FOR THE CITY OF ARANSAS PASS.

City Attorney Allen Lawrence declared the Public Hearing open at 7:07 p.m. on the proposed FY 2008-2009 Budget for the City of Aransas Pass.

Interim City Manager Mike Sullinger stated the Budget was good for the City and citizens also. He stated the tax rate was lowered by \$0.00056. He stated the only change was the increase in water and garbage rates. He stated the water rate increase was a "pass through" at 10% and the sewer rates did not increase and the increase for garbage was less than \$2.00 (per month). He stated Degussa (refinery) would close in November and the City would lose approximately \$6,000.00 profit per month. He stated the profit from Degussa had to be backed out of the water budget, but the bottom line stayed the same.

Mayor Knight commented City staff had done a good job on the budget.

The City Attorney asked if there was anyone present to speak against the proposed Budget. Seeing no one, the City Attorney closed the Public Hearing at 7:11 p.m.

ITEM 6. CONSIDER AND ACT ON ORDINANCE 2008-3944 – ADOPTING THE FY 2008 BUDGET OF THE CITY OF ARANSAS PASS.

Council Member Hametner made the motion to approve Ordinance 2008-3944 adopting the FY 2008-2009 Budget of the City of Aransas Pass. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 7. ORDINANCE 2008-3945 – LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF ARANSAS PASS, TEXAS SUBJECT TO TAXATION, A CERTAIN SUM UPON EACH ONE HUNDRED (\$100.00) DOLLARS OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUESTED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM FINES, LICENSES, AND OTHER SOURCES OF REVENUE.

Council Member Hametner made the motion to adopt Ordinance 2008-3944 levying upon the assessed valuation of the property within the City of Aransas Pass, Texas subject to taxation, a certain sum upon each one Hundred (\$100.00) dollars of valuation sufficient to raise the amount estimated to be requested in the annual budget, less the amount estimated to be received from fines, licenses, and other sources of revenue. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 8. PUBLIC HEARING ON REQUEST OF VIRGINIA BUFKIN TO REZONE OUTLOT 48, TRACT 2, 3 AND 5, SUNSHINE ADDITION, 100 BLOCK OF JOHNSON AVENUE, FROM R10-SINGLE FAMILY DWELLING TO RV-RECREATIONAL VEHICLE PARK.

City Attorney Allen Lawrence declared the Public Hearing open at 7:13 p.m. on the request of Virginia Bufkin to rezone Outlot 48, Tract 2, 3 and 5, Sunshine Addition, 100 block of Johnson Avenue, from R10-Single Family Dwelling to RV-Recreational Vehicle Park. He stated the Planning and Zoning Commission had met on the matter and voted to deny the request. He asked Ms. Virginia Bufkin to step forward and speak for her request.

Ms. Virginia Bufkin stated the property was low and not suitable for (building) houses. She stated a RV could move out if there was a hurricane. She stated building the RV Park would solve the drainage issues in that area and there was a need for another RV Park. She discussed the economic advantages of having RV Parks, giving several examples in neighboring cities.

Mr. Mike Fields stated he had been working with Ms. Bufkin on her RV Park for several years. He stated the entrance (to the RV Park) had been moved to alleviate traffic congestion. He discussed the drainage issues on the property; proposed plans for better drainage on the property; the need for more RV Parks; the transient nature of RV Parks; the positive effect of RV Parks on surrounding property values.

Ms. Bufkin discussed the evacuation of RV's before Hurricane Ike and stated there was no traffic congestion as a result of the RV's evacuating.

The City Attorney asked if there was anyone present to speak against the proposed request. He requested a show of hands for opposition and asked that a representative speak for the group.

Ms. Ann Melton spoke for a group of property owners in the proposed RV Park area. She stated they were against the RV Park because they had concerns about aesthetics, drainage; evacuation from storms and traffic problems. She stated Ms. Bufkin had been denied a rezone of the property twice before.

Council Member Hametner stated (the property) had been before the Planning and Zoning Commission and the Planning and Zoning Commission had turned the request down after thoroughly studying the problem. He stated he would not overturn the recommendation of the Planning and Zoning Commission.

The City Attorney asked if there was anyone else present to speak against the proposed request. Seeing no one, the City Attorney closed the Public Hearing at 7:25 p.m.

ITEM 9. **CONSIDER AND ACT ON REQUEST OF VIRGINIA BUFKIN TO REZONE OUTLOT 48, TRACT 2, 3 AND 5, SUNSHINE ADDITION, 100 BLOCK OF JOHNSON AVENUE, FROM R10-SINGLE FAMILY DWELLING TO RV-RECREATIONAL VEHICLE PARK.**

Mayor Pro Tempore Attaway made the motion to deny the request of Virginia Bufkin to rezone Outlot 48, Tract 2, 3 and 5, Sunshine Addition, 100 block of Johnson Avenue, from R10-Single Family Dwelling to RV-Recreational Vehicle Park. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 10. **CONSIDER AND ACT ON CONN BROWN HARBOR LEASE 2008-005.**

Mr. Sullinger stated Captain Rives was taking over the Salty Dog Bait House and had improved the property. He stated it would be a month-to-month lease with a 90-day out clause.

Captain Douglas and Marty Rives spoke for leasing the property.

Council Member Hametner made the motion to approve Conn Brown Harbor Lease 2008-005. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 11. **CONSIDER AND ACT ON INCREASING HARBOR LEASES BY 10%.**

After discussion, Council Member Mayer made the motion to increase Harbor leases by 10%. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 12. **CONSIDER AND ACT ON INCREASING UTILITY AND GARBAGE RATES.**

Mr. Sullinger stated the increase for the water rate increase was a "pass through" expense and the garbage rate increased approximately \$1.40 per totter.

Council Member Mayer stated the minimum charge for water did not increase.

Council Member Mayer made the motion to increase utility and garbage rates. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 13. **DISCUSSION REGARDING GRANTS FOR CONN BROWN HARBOR.**

Mr. Sullinger discussed grants that would improve the harbor; would not lock the City into a grant and the City could apply for a boat ramp grant again. He stated the grants would not need Council action as the City Manager could implement the grants. He stated it would cost between \$5,000.00 and \$10,000.00.

Mr. Dave Sullivan with Naismith Engineering discussed local projects using harbor grants.

Discussion was held on the condition of the present City boat ramp. The consensus of the Council was to apply for harbor grants.

ITEM 14.

REPORTS FROM CITY MANAGER AND STAFF AND PUBLIC COMMENTS: *At this time the Mayor, City Council, Staff and Public comments may be given. Reports or updates on any assignments which include but are not limited to grants, building and development, budgets, financial reports and any other projects may be given. No formal action can be taken on any of these items at this time. Comments will be limited to 3 minutes each.*

Mr. Sullinger appreciated Sandy Roddel for her hard work on the budget and thanked the Department Heads and staffs for their excellent response to the Hurricane Ike preparations.

Mr. Sullinger stated he and the Fire Department had started over to organize a completely new volunteer fire department. He stated the State Fire Marshall had told him to start over with a new volunteer fire department.

Ms. Ann Melton discussed expanding the Harbor Park and Tetra Company on the Harbor.

Ms. Margaret Garrett requested support for a Proclamation to include the Texas Commercial Fisheries and the Texas Shrimp Industry in a Disaster Declaration and Order for Hurricane Ike.

Mayor Knight stated the Proclamation would be on the next agenda.

Mr. Kenny Thompson (owner of ICW RV Park on City property leased by Mr. Thompson) asked the Council to reconsider selling the property he leases from the City. He discussed the RV Park benefiting the City; how tidal surge affects the property so nothing could be built on the property; a new lift station would be needed and the Wastewater Treatment Plant could not be expanded if the property was sold.

Ms. Margaret Garrett discussed a law concerning natural shorelines and their movement with the recent hurricanes.

Mr. Ralph Arcemont stated the City departments did an outstanding job on the Hurricane preparations.

ITEM 15.

RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Recessed into Executive Session at 7:50 p.m.

A Section 551.074 Deliberations Regarding Personnel – City Manager position.

ITEM 16.

RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Reconvened into Open Session at 8:20 p.m.

A Section 551.074 Deliberations Regarding Personnel – City Manager position.

Council Member Mayer made the motion to hire Ms. Kandi Hubert for the City Manager position. Council Member Abrego seconded the motion and the motion carried 4 to 1 with Council Member Hametner not being present for the Executive Session.

ITEM 17.

ADJOURNMENT OF MEETING.

Council Member Mayer made the motion to adjourn the meeting. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:23 p.m.

Tommy Knight, Mayor

ATTEST:

Ada Owens, City Secretary